

Introduced by: City Manager Herron  
Date: January 9, 2001  
Public Hearing: January 23, 2001  
Action: Enacted  
Vote: 5 yes; 1 no

***CITY OF BETHEL, ALASKA***

**ORDINANCE #01-03**

**AN ORDINANCE AMENDING CHAPTER 5.04 OF THE BETHEL MUNICIPAL CODE BY PROVIDING THAT A DECISION OF THE FINANCE DIRECTOR UNDER 5.04.020 MAY BE APPEALED**

BE IT ORDAINED by the City Council of Bethel, Alaska, that:

**Section 1. Classification.** This ordinance is permanent in nature and shall be placed in the Bethel Municipal Code.

**Section 2. Amendment of Chapter 5.04.** Chapter 5.04 of the Bethel Municipal Code is amended to add the following section:

Chapter 5.04 BUSINESS LICENSE CODE

5.04.025 Appeal of Finance Director's Decision.

A. A decision of the Finance Director not to issue or renew a business license to a person who is not in compliance with section 5.04.020 may be appealed to the City Manager within five (5) working days of receipt of the Finance Director's decision. The appeal must be in writing and must state with specificity the reason(s) for the appeal.

B. After due consideration of the reason(s) stated in the appeal, the City Manager shall issue a written decision setting forth his or her findings and conclusions to accept, modify, reject or remand the decision of the Finance Director. The decision shall be issued within ten (10) working days of receipt of the appeal. The appellant has the burden of proof and persuasion with respect to his or her appeal. Before issuing the decision, the City Manager shall provide the appellant an opportunity to provide additional relevant information to the City Manager for his or her consideration of the appeal. The City Manager may conduct a hearing for the purpose of hearing the appellant's additional information, and may allow the Finance Director an opportunity to respond to any information provided by the appellant. Any hearing conducted under this section

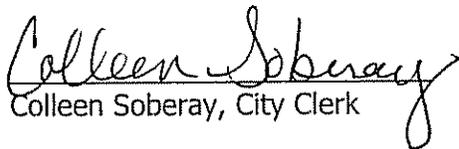
shall be informal, and shall not be governed by formal rules of evidence. The City Manager may consider any relevant evidence that is not unduly prejudicial or cumulative in reaching his or her decision.

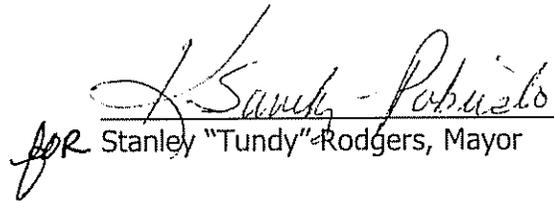
C. The City Manager's decision is the final decision. Within thirty (30) calendar days of the date of receipt of the final decision, the final decision may be appealed to the Alaska Superior Court, Fourth Judicial District at Bethel, Alaska, pursuant to the Alaska Rules of Appellate Procedure. The final decision shall state that it is a final decision and contain any notice of the limitations on, and the right to appeal, contained in Alaska Rule of Appellate Procedure 602(a)(2) and/or any other applicable Rule.

**Section 3. Effective Date.** This ordinance shall become effective immediately.

PASSED AND APPROVED THIS 23 DAY OF January 2001, by a vote of  
\* in favor and \* opposed.

ATTEST:

  
Colleen Soberay, City Clerk

  
for Stanley "Tundy" Rodgers, Mayor